

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ERIC THOMPSON, <i>et al.</i>,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:07-00412
)	Judge Sharp
)	
BRUISTER AND ASSOCIATES, INC.,)	
<i>et al.</i>,)	
)	
Defendants.)	

ORDER

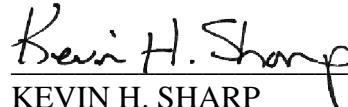
For the reasons set forth in the accompanying Memorandum, the Motions to Dismiss for Failure to Prosecute filed by Defendant DirecTV (Docket No. 662) and Defendants Bruister and Associates and Herbert C. Bruiser (Docket No. 666) are hereby GRANTED with respect to the claims of Plaintiffs Jonathan Vickery and Larry Marlin; DENIED WITHOUT PREJUDICE with respect to the claims of Larry Haywood and Larry Burke; and DENIED AS MOOT with respect to the claims of Aaron Beatty. Plaintiffs Vickery and Marlin are hereby DISMISSED WITH PREJUDICE.

Within thirty (30) days of the date of this Order, Defendants shall notice and take the deposition of Plaintiffs Haywood and Burke in Nashville, Tennessee. If those Plaintiffs do not appear and sit for a deposition as scheduled, they will be dismissed from this action with prejudice, with Defendants permitted to take the deposition of other Discovery Plaintiffs in their stead. Further, Defendants are hereby authorized to take depositions of three other Discovery Plaintiffs in place of the deposition that had been scheduled for Vickery, Marlin and Beatty. The intent of this

Order is to provide Defendants the opportunity to take the ten depositions they have been authorized, and Plaintiffs shall cooperate in making that possible.

DirecTV's Motion for Entry of Order Granting the Motion to Dismiss for Failure to Prosecute (Docket No. 695) is DENIED.

It is SO ORDERED.

A handwritten signature in black ink, reading "Kevin H. Sharp". The signature is written in a cursive, flowing style. The first name "Kevin" is written with a large, prominent "K". The last name "Sharp" is written with a large, prominent "S". The signature is positioned above a horizontal line.

KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE